

(2000) 05 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

N. ALAGAMMAI

APPELLANT

Vs

INDUS IND BANK LTD.

RESPONDENT

Date of Decision : 03-05-2000

Acts Referred:

Citation : 2000 3 CPJ 185 : 2001 1 CLT 476 : 2001 1 CPR 112

Hon'ble Judges : M.S.Janarthanam , S.P.Sivaprakasam , Banumathi Baskaran J.

Final Decision : Complaint disposed of

Judgement

1. THIS action came up for admission before us today. Learned Counsel appearing for the complainant Mr. S.R. Balasubramanian is not present in Court. We perused the averments in the complaint. Such perusal of the averments in the complaint, prima facie, points out that the complainant N. Alagammai applied for allotment of 200 shares for a sum of Rs. 4,500/-. The shares applied for had been allotted. The said share certificates had not been sent to the address as specified in the share application. The complainant would say that the non-despatch of the certificates to the address in the share application is deficiency in service on the part of the opposite parties. For such deficiency the complainant prayed for certain reliefs in paragraph 18 of the complaint which runs as under : "18. The complainant values the compensation payable to her as follows : Rs. P. (a)Share Certificates amount to send the opposite parties on 27.11.1997 4,500.00 (b)Interest for the abovesaid amount at the rate of 24% p.a. from 27.11.1997 till 31st December, 1999 2,160.00 (c)Mental agony, business loss and expenses towards the "E-Mail", Telephone and so on for getting share certificates allotted 5,00,000.00 (d)Expenses for legal notice dated 16.9.1999 5,000.00 (e)Expenses for the legal rejoinder notice dated 31.10.1999 5,000.00 Total Rs.5,16,660.60"

2. FOR such reliefs as above relatable to mental agony, business loss and other expenses like E-Mail, Telephone and so on for getting the shares allotted, the amount prayed for in the said column by way of compensation is to the tune of Rs. 5,00,000/-. The compensation claimed quantified in a sum of Rs. 5,00,000/-

for the so-called deficiency stated to have been committed by the opposite parties in not sending the share certificates to the tune of Rs, 4,500/- to the address given in the share application, rather appears to be an escalated amount beyond one's comprehension. No particulars as to how the computation of the compensation has been quantified in a sum of Rs. 5,00,000/- are given. We rather feel that the amount of compensation had been claimed simply for the purpose of attracting the pecuniary jurisdiction of this Commission obviously for the reason that no Court-fee is payable for any amount claimed. We, therefore, feel that the claim in this action had been escalated to attract the jurisdiction of this Commission. Even assuming for argument sake that there is any deficiency in service on the part of the opposite parties, the quantum of compensation payable by them will definitely be only in a minimal sum. If the prayer in Column (c) of Para 18 of the complaint is viewed in this perspective, it goes without saying that this Commission will not have any jurisdiction to entertain this complaint and the proper FORum before which the complaint has to be presented is the competent District FORum. The complaint is, therefore, returned for presentation before the proper Forum, of course, after amending Para 18 suitably. Time presentation is one month from today for presentation before the proper Forum. Complaint disposed of.